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Message Text

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12
ACTION DHA-02

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R 121500Z MAR 76
FM AMEMBASSY COTONOU
TO SECSTATE WASHDC 8276

C O N F I D E N T I A L SECTION 1 OF 2 COTONOU 0468

EO 11652: GDS
TAGS: SHUM, PFOR, PINS, EAID, DM
SUBJ: HUMAN RIGHTS REPORT: BENIN

REF (A) STATE 45319, (B) STATE 54496, (C) COTONOU A-26,

SUMMARY: THE DEPT REQUESTED INFORMATION AND ANALYSIS ON HUMAN RIGHTS IN COUNTRIES RECEIVING US DEVELOPMENT ASSISTANCE (REF A). BENIN (EX-DAHOMEY) HAD A GOOD RECORD ON HUMAN RIGHTS UNTIL THE MILITARY REGIME OF LT COL MATHIEW KEREKOU SEIZED POWER IN OCT 72. OVER THE PAST YEAR AND A HALF OBSERVANCE OF HUMAN RIGHTS HAS DETERIORATED TO THE POINT WHERE THIS COUNTRY MUST BE TERMED A POLICE STATE. FEAR NOW PERVADES THE COUNTRY. THERE HAVE BEEN SIGNIFICANT NUMBERS OF ARIBTRARY ARRESTS AND DETENTIONS. ABOUT 100 PERSONS WERE DETAINED FROM OCT TO JAN AND MANY OF THESE WERE TORTURED OR OTHERWISE CRUELLY TREATED. THIS IS BUT ONE OF THE INCIDENTS DISCUSSED BELOW.

1. (A) ORDINARY LEGAL GUARANTEES: WHEN THE MILITARY TOOK OVER BEININ OCT 72, THE THEN EXISTING CONSTITUTION WAS CAST ASIDE. IT HAS NOT BEEN REPLACED. THE RULE OF LAW IS ON THE WANE. WHAT LEGAL GUARANTEES THAT DO EXIST ON PAPER ARE A SHAM. THE FEAR OF THE OVT WHICH PERVADES BENINESE SOCIETY PRECLUDES LEGAL REDRESS AGAINST THE GOVT. LAWYERS ARE, IN OUR OPINION, TOO COWED TO FORCEFULLY REPRESENT CLIENTS AGAINST ARBITRARY
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ACTIONS OF THE REVOLUTIONARY REGIME. THE EMBASSY IS AWARE OF

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AN AREST CASE WHERE NO CHARGES WERE EVER PREFERRED AND NO LAWYER

WOULD TAKE THE CASE. THE JUDICIARY IS WEAK AND SUB-
JECT TO THE SAME FEARS.

2. LAST MONTH A SEMINAR WAS HELD IN COTONOU, UNDER THE LEADER-
SHIP OF "REVOLUTIONARY" ELEMENTS, AND INCLUDING ALL THOSE IN
PROFESSIONS RELATED TO THE LAW, TO MAKE RECOMMENDATIONS ON
THE RESTRUCTURING OF THE LEGAL SYSTEM. THE OPERATING GUIDE-
LINES FOR THE PARTICIPANTS WERE TO COME UP WITH A SYSTEM
THAT ENSURES JUSTICE BY THE "MASSES IN CONFORMITY WITH THE
COUNTRY'S SOCIALIST OPTION AND GUIDING PRICIPLES OF MARXIST-
LENINISM." AMONG THE RECOMMENDATIONS OF THE SEMINAR ARE:
PLACING THE DECISION MAKING AND EXECUTING APPARATUS UNDER CON-
TROL OF THE REVOLUTIONARY PEOPLE'S PARTY OF BENIN. NON-PRO-
FESSIONAL JUDGES ARE TO TAKE PART IN THE RENDERING OF ALL
JUDGMENTS. THE RIGHTS OF THE "REVOLUTIONARY" BENINESE ARE TO
BE GUARANTEED, AND WE READ THAT TO MEAN THAT THOSE OF PERSONS
NOT CONSIDERED "REVOLUTIONARY" ARE NOT. LOCAL REVOLUTIONARY
COMMITTEES ARE TO HAVE THE RIGHT TO MAKE THEIR VIEWS KNOWN TO
THE COURT AND, IN OUR ESTIMATION, THESE WILL BE DECISIVE
IN INFLUENCING DECISIONS. IN SUM, THE PROSPECTS FOR PRO-
TECTION OF HUMAN RIGHTS IN MARXIST-LENINIST BENIN ARE POOR.

3. (B) ACTUAL BENINESE GOVT PRACTICE WITH RESPECT TO HUMAN
RIGHTS UNDER THE ARTICLES OF THE UNIVERSAL DECLARATION OF
HUMAN RIGHTS: WE PREFACE THIS SECTION BY NOTING THAT THOSE
VIOLATIONS OF HUMAN RIGHTS OF WHICH THE GPRB IS GUILTY STEM
FROM ACTUAL OR PERCEIVED THREATS TO ITS OWN EXISTENCE. IN
EACH CASE KNOWN TO THE EMBASSY, THE VIOLATIONS WERE CONNECTED
WITH ALLEGED COUP PLOTS.

4. THE MOST FLAGRANT VIOLATIONS (OF ARTICLES 5, 9, 10) OCCURRED
FOLLOWING THE ANNOUNCEMENT BY THE GPRB ON OCT 18, 1975 OF AN
ALLEGED PLOT BY FOLLWERS OF FORMER PRES EMILE DERLIN ZINSOU
TO ASSASSINATE THE LEADERS OF THE REGIME OF PRES MATHIEU KERKOU
AND THUS BRING DOWN THE GOVT. APPROXIMATELY ONE HUNDRED PERSONS
WERE ARBITRARILY ROUNDED UP ANDM HELD PRISONER FOR TWO
AND ONE-HALF MONTHS (I.E. UNTIL EARLY JAN 76). THOSE ARRESTED
WERE ALLEGED BY THE GOVT TO HAVE PRO-ZINSOU SENTIMENTS,
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SOME WERE TOLD THEIR NAMES APPEARED ON A LIST OF PERSONS
WHO WERE PREPARED TO SHELTER MERCENARIES TO BE BROUGHT IN
AS PART OF THE ALLEGED COUP PLOT. APPROXIMATELY 65 OF THE
100 DETAINEES WERE HELD AT COTONOU'S MILITARY CAMP, CAMP
GUEZO. THE REST WERE KEPT AT POLICE HEADQUARTERS. THIS LATTER
GROUP WAS FAIRLY WELL TREATED THOUGH THEY WERE FORCED TO UN-
DERGO "POLITICAL REEDUCATION". THE SOLDER-GUARDS AT CAMP
GUEZO ENGAGED IN TORTURE AND OTHER FORMS OF INHUMAN AND DE-

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GRADING TREATMENT. PRISONERS HEADS WERE SHAVED WITH GLASS
SHARDS. ONE OF THE PRISONERS, FOLLOWING HIS RELEASE, TOLD
THE EMBASSY HOW HE WAS FORCED TO ROLL IN THE EXCREMENT OF
THE MILITARY GUARDS AND THEN GIVEN A CUP OF WATER WITH WHICH
TO WASH IT FROM HIS BODY WITH HIS HANDS. HE WAS ALSO MADE TO
CLEANSOLDIERS' BOOTS AND TOILETS WITH HIS TONGUE. WE KNOW OF
OTHER CASES WHERE PRISONERS WERE MADE TO ROLL IN MUD AND
THEN REMAIN DIRTY, AND TO CRAWL ON THEIR ELBOWS AND KNEES
IN HOT SAND TO OBTAIN FOOD.

5. A MOCKERY OF A TRAIL WAS HELD WHICH RESULTED IN 11 PERSONS
BEING CONDEMNED TO DEATH (MOST IN ABSENTIA). TO THE BEST OF
OUR KNOWLEGED, FEW OF THE DEFENDANTS WERE GIVEN THE RIGHT TO
TESTIFY IN THEIR OWN BEHLAF OR TO PRESENT A DEFENSE. NONE
WAS REPRESENTED BY LEGAL COUNSEL. MANY WERE NOT EVEN IN THE
COUNTRY. THE "COURT" COULD NOT BE CONSIDERED AN INDEPENDENT
AND IMPARTIAL TRIBUNAL. IT WAS A POLITICAL BODY, THE NATIONAL
REVOLUTIONARY COUNCIL, WHICH INCLUDES ALL OF THE PERSONS
AGAINST WHOM THE ALLEGED PLOT WAS AIMED, CONVERTED FOR THE OCC-
ASION INTO A "NATIONAL REVOLUTIONARY TRIBUNAL."

6. THERE WERE SIMILAR VIOLATIONS ON TWO OTHER OCCASIONS
DURING 1975. THE FIRST FOLLOWED AN ABORTIVE COUP IN JAN BY CAPT
JANVIER ASSOGBA, THEN A MINISTER IN THE REGIME. AT THAT TIME
THERE WERE A NUMBER OF ARBITRARY ARRESTS, BUT THOSE DETAINEES
NOT EVENTUALLY ACCUSED OF COMPLICITY WERE HELD ONLY A FEW
WEEKS AND THERE HAS BEEN NO ALLEGATION OF TORTURE OR MIS-
TREATMENT. THE "TRAIL" OF THOSE ACCUSED OF INVOLVEMENT IN THE
COUP WAS ANOTHER KANAGAROO COURT WITH DEFENDANTS NOT REPRESENTED
BY COUNSEL OR ALLOWED TO MOUNT ANY DED NSE. FOUR WERE SEN-
TENCED TO DEATH (INCLUDING A PRIEST) AND SEVERAL TO PRISON.
THE DEALTH SENTENCES HAVE NOT BEEN CARRIED OUT, BUT PRES
KEREKOU RECENTLY STATED THAT SOME WOULD BE. THERE WERE A
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NUMBER OF DEMONSTRATIONS AGAINST THE DEATH PENALTIES, MOSTLY
BY WOMEN (MARKET WOMEN ARE AN IMPORTAINT AND RESPECTED ELEMENT
IN LOCAL SOCIETY). THESE DEOMONSTRATIONS LED TO A NEW WAVE
OF DETENTIONS (BUT NOT OF THE WOMEN). WE KNOW OF ONE CASE WHERE
THE HUSTAND OF ONE PARTICIPANT WAS ARRESTED AND HELD FOR SIX
WEEKS BECAUSE HE HAD DRIVEN HIS WIFE AND A FEW OTHER WOMEN TO
THE DEMONSTRATION.

7. IN JUNE 75, PRES KEREKOU SHOT AND KILLED HIS MIN OF
INTERIOR AND SECURITY, WHO HE CLAIMED TO HAVE FOUND IN FLAGRANTE
DELICTO WITH THE FIRST LADY. THE OFFICIAL PRESIDENTIAL VER-
SION SAYS THAT IT WAS THE PRESIDENT'S BODYGUARDS WHO SHOT THE
MINISTER. HOWEVER, THE MOST WIDELY ACCEPTED VERSION PUTS THE
BLAME DIRECTLY ON THE PRESIDENT AND SAYS THAT THE WHOLE
SCENE, INCLUDING THE PRESENCE OF MADAME KEREKOU IN THE MIN-

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ISTER'S BED, WAS ORCHESTRATED BY KEREKOU. (ACCORDING TO MANY
EPORTS, THE MINISTER WAS PLANNING TO TAKE OVER THE GOVT.)
THERE WAS A WAVE OF POPULAR DISGUST AND INDIGATION LEADING TO
A DEMONSTRATION IN WHICH FOUR OR FIVE PERSONS WERE KILLED
BY POLICE WHO OPENED FIRE ON THE CROWD. AN ANTI-GOVT
GENERAL STRIKE WAS ORGANIZED. UNION OFFICIALS WHO WERE CONSIDERED
THE STRIKE LEADERS WERE ROUNDED UP AND SENT TO CAMP GUEZO.
SEVERAL WERE SEVERELY BEATEN. THERE WAS NO TRAIL, BUT A NUMBER
OF THE STRIKE ORGANIZERS WERE SENT TO WORK ON AGRICULTURAL
PRODUCTION GANGS FOR ADP000
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ACTION DHA-02

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C O N F I D E N T I A L SECTION 2 OF 2 COTONOU 0468

8. THE LONGEST STANDING CASE OF DETENTION WITHOUT TRAIL IS
THAT OF THE TRIUMVERATE OF EX-PRESIDENTS OF DAHOMEY, HUBERT
MAGA, SOUROU MIGAN APITHY AND JUSTIN ADHOMADEGBE. THE THREE
PRESIDENTS WERE RULING THE COUNTRY WHEN THE MILITARY PULLED
ITS COUP AND HAVE BEEN IMPRISIONED SINCE OCT 72 IN A SMALL
VILLAGE OUTSIDE OF PORTO-NOVO. DURING THE JAN 75 COUP ATTEMPT,
THERE WERE RUMORS THAT THEY HAD BEEN BROUGHT AS HOSTAGES TO THE
PRESIDENCY, BUT THE EMBASSY WAS NEVER ABLE TO CONFIRM THIS
STORY.

9. THE KEREKOU REGIME IS ALSO IN VIOLATION OF ART 17
OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS WHICH STATES
THAT NO ONE SHALL BE ARBITRARILY DEPRIVED OF HIS PROPERTY.
IN OCT 75 PRES KEREKOU ISSUED AN ULTIMATUM TO ANY DAHOMEAN
IN VOLUNTARY EXILE SINCE NOV 74 TO RETURN TO DAHOMEY BY NOV
30 OR FACE CONFISCATION OF HIS PROPERTY. AS FAR AS WE KNOW
NO ONE ANSWERED HIS CALL AND RETURNED, MOST KNEW THAT THEY
FACED WORSE THAN CONFISCATION OF THEIR PROPERTY IF THEY DID.
IN DEC THE GOVT PUT OUT A LIST OF 13 PERSONS WHOSE PROPERTY
HAD BEEN CONFISCATED. THESE WERE ALL PERSONS CONSIDERED BY
THE REGIME TO BE POLITICAL ENEMIES. THERE HAVE BEEN OTHER
ISOLATED CASES OF THE GOVT TAKING OVER THE PROPERTY ABANDONED
BY MIDDLE CLASS BENINESE WHO HAVE FLED THE COUNTRY IN THE
LAST SEVERAL MONTHS. THESE INCLUDE ONE OF COTONOU'S MAJOR
HOTELS AND A PRIVATE HOSPITAL. THERE HAVE BEEN NO CLUDES YET

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WHETHER THE GOVT WILL CARRY THROUGH ON THE CONFIDCATION OF
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PROPERTY OF THE HUNDREDS OF LESS IMPORTANT APOLOTICAL
BENINESE IN EXILE.

10. THE SPIRIT OF BENIN'S REVOLUTION AND THE ENTITLEMENTS
UNDER ARTICLE 2 OF THE HUMAN RIGHTS DECLARATION DO NOT MIX,
PARTICUARLY AS RELATED TO THE GUARANTEE AGAINST DISTINCTION
BY POLITICAL OPINION OR PROPERTY. THE REVOLUTION'S STATED
AIM IS TO DESTROY THE PROPERIED AND MIDDLE CLASS BENINESE.
THE SLOGANS OF THE REVOLUTION CHANTED THROUGHOUT THE DAY ON
THE RADIO, IN THE CLASSROOM AND AT EVERY PUBLIC GATHERING
INCLUDE A PASSAGE THAT THE BOURGEOISIE AND CAPITALISTS ARE
THE ENEMIES OF BENIN. "LEGAL" DISCRIMINATION AGAINST THESE
GROUPS SHOULD INCREASE WITH THE INSTALLATION OF A NEW
JUDICIAL SYSTEM OF "MASS JUSTICE".

11. VIOLATION OF HUMAN RIGHTS HAS NOT BEEN LIMITED TO BENINESE
CITIZENS. THERE ARE NUMEROUS INCIDENTS OF THE ARBITRARY ARREST
AND DETENTION OF FOREIGN VISITORS AND RESIDENTS. THE
SCALE AND SEVERITY OF TREATMENT HAS BEEN MILD WHEN COMPARED
TO THAT RECEIVED BY CITIZENS OF THIS COUNTRY. DETENTION
WITHOUT TRAIL HAS LASTED FROM A FEW DAYS TO SEVERAL WEEKS.
CONSULAR REPS ARE ALMOST NEVER OFFICIALLY NOTIFIED OF THESE
ARRESTS. IN MOST CASES NO CRIME HAS BEEN COMMITTED. WE CITED BUT
A FEW GLARING EXAMPLES.

12. THERE IS THE INCIDENT OF TWO YOUNG WEST GERMANS WHO WERE
TOURING AFRICA IN A MERCEDES DESERTY CAR. THE VEHILCE
BROKE DOWN IN COTONOU, TO THEIR MISFORTUNE IN FRONT OF THE
PRESIDENT'S HOUSE (WHICH IS UNMARKED AND DOES NOT IN THE LEAST
LOOK OFFICIAL) WHEN THEY GOT OUT TO REPAIR THE VEHILCE THEY
WERE IMMEDIATELY SURROUNDED BY SOLDIERS AND TAKEN AT GUN
POINT TO CAMP GUEZO. THEY WERE STRIPPED AND KEPT IN SOLITARY
CONFINEMENT. IT WAS ONLY BY ACCIDENT (A FRG EMBOFF HAD GONE TO
GET THEIR AMB'S COOK OUT OF JAIL) THAT THE FRG EMBASSY LEARNED
THERE WERE GERMANS IN JAIL. IT TOOK THE DIRECT INTERCESSION
OF THE FRG AMB WITH THE MINISTER OF INTERIOR, SECURITY AND
NATIONAL ORIENTATION TO GET THEM RELEASED.

13. IN FEB 75, 19 FRENCHMEN AND A JAPANESE WERE ARRESTED
AND HELD FOR FIVE DAYS FOR NO APPARENT REASON. THEY WERE NOT
FED UNTIL A FRENCH RESTAURANT OWNER HEARD SOME EUROPEANS WERE
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IN JAIL AND BROUGHT THEM FOOD.

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14. A FRENCH WOMEN, THE OWNER OF A LOCAL BOOKSTORE, HAS BEEN IN PRISON SINCE MID JAN, WHEN SHE WAS ARRESTED FOR TRYING TO CROSS THE BORDER TO TOTO (IT WAS THEN TEMPORARILY OPENED) WITH SEVERAL HUNDRED THOUSAND CFA FRANCS HIDDEN UNDER THE SEAT OF HER CAR. THERE IS NO LAW AGAINST TRANSFERRING CFA FRANCS WITHIN THE FRANC ZONE. MOST RECENTLY THE FRENCH MANAGER OF A SUPERMARKET SPENT TEN DAYS IN JAIL BECAUSE HE ORDERED A SHIPMENT OF SUPPLIES EN ROUTE TO COTONOU DIVERTED TO ANOTHER COUNTRY AS HE NO LONGER NEEDED THE ITEMS IN HIS INVENTORY. HE WAS CHARGED WITH ATTEMPTING TO SABOTAGE THE CONOMY. THE LIST OF CASES COULD GO ON FOR ANOTHER PAGE OR TWO.

15. (C) EVIDENCE ON QUESTION WHETHER GOVT CONDONES OR ENCOURAGES ITS OFFICIALS IN VIOLATION OF HUMAN RIGHTS: MOST OF THE VIOLATIONS OF HUMAN RIGHTS - THE UNFAIR TRAILS, THE ARBITRARY ARRESTS AND CONFISCATIONS -- ARE DIRECTED BY THE OMNIPOTENT MIN OF THE INTERIOR, SECURITY AND NATIONAL ORIENTATION CAPT MARTIN DOHOU AZONHIHO. THERE IS NO DOUBT THAT HE HAS THE FULL BACKING OF THE GOVT (THOUGH PERHAPS A FEW MINISTERS MAY FIND SOME OF THE REPRESSIVE MEASURES PERSONALLY REPUGNANT, BUT ONE WOULD DARE SAY SO.

IT IS ONLY IN THE MATTER OF THE TORTURE OF DETAINEES THAT THERE MAY BE SOME QUESTION ABOUT FULL SUPPORT OF THE GOVT. THERE ARE REPORTS, WHICH CAN NEITHER CONFIRM NOR DENY, THAT WHEN PRES KEREKOU LEARNED THAT THOSE PERSONS DETAINED IN CAMP GUEZO AFTER THE ALLEGED COUP PLOT OF OCT 75 WERE BEING TORTURED, HE ORDERED AN IMMEDIATE STOP TO IT AND HIS ORDERS WERE CARRIED OUT. ACCORDING TO INFO PROVIDED US BY ONE OF THESE PRISONERS, AT A CERTAIN POINT THE INHUMAN TREATMENT CEASED.

16. (D) REPORTS AND FINDINGS OF INTERNATIONAL ORGANIZATIONS: WE ARE NOT AWARE OF ANY APPROPRIATE INTERNATIONAL ORGANIZATION HAVING EVER LOOKED INTO THE HUMAN RIGHTS SITUATION IN BENIN.

17. (E) EMBASSY ACTIONS TO DISCOURAGE HUMAN RIGHTS VIOLATIONS: NONE, NOR DO WE HAVE ANY LEVERAGE TO DO SO. DIALOGUE WITH THE GPRB ON SUCH SUBJECTS IS IMPOSSIBLE. IF WE RAISED THE MATTER THE GOVT WOULD MERELY DENY ANY VIOLATION. OUR RELATINS
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WITH THE GOVT OVER THE PAST YEAR OR SO HAVE BEEN STRAINED. WE HAVE HAD DIFFICULTY EVEN SECURING OUR OWN PROPERTY RIGHTS AND THOSE OF OUR CITIZENS.
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